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EXAMINER	
TOWA, RENE T	

ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,998	KASAHARA ET AL.	
	Examiner	Art Unit	
	Rene Towa	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-39 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 26 February 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9/01/05, 8/23/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: IDS of 7/28/04, 2/26/04.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 2-3, 6-10, 12-19, 25 and 29 are objected to because of the following informalities:

In regards to claim 2, at line 4, the limitation "or" appear to render the claim indefinite; from the multiple alternative languages used in the claim (i.e. "either," at line 3, "or" at lines 4-5), it is unclear which limitations are comprised within a given alternative.

In regards to claim 3,

at line 2, the limitations "said impedance measurement electrode" render the claim indefinite; from the plural language used in claim 1, it is unclear whether or not the system comprises a single or a plurality of electrodes.

at line 3, "the surface" should apparently read --a surface--.

at line 4, "body hear" should apparently read --body wear--.

In regards to claim 6, at line 3, remove "of" between "account" and "at least."

In regards to claim 7, at line 5:

remove "are" between "animal" and "contact" or insert "in" before "contact,"

the limitation "those" renders the claim indefinite; it is unclear as to which noun the pronoun designates.

In regards to claim 8, at line 4, the limitations "acting as" render the claim indefinite; it is unclear whether or not the restriction unit is the same as the inter-leg distance input unit or a substitute thereof.

In regards to claim 9, at line 4, the limitations "acting as" render the claim indefinite; it is unclear whether or not the restriction unit is the same as the impedance measurement unit or a substitute thereof.

In regards to claim 10, at line 3, "an estimated weight calculation unit" should apparently read --an estimated-weight calculation unit-- to avoid a potential indefiniteness problem.

In regards to claim 11, at line 5,

remove "are" between "animal" and "contact" or insert "in" before "contact."

the limitation "those" renders the claim indefinite; it is unclear as to which noun the pronoun designates.

In regards to claim 14, at line 2, the limitation "said frame" renders the claim indefinite; from the plural language used in claim 13, it is unclear whether or not the restriction unit comprises a single or a plurality of frames.

In regards to claims 15-19, the claim is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

In regards to claim 25, at line 2, "the weight value" should apparently read --a weight value--.

In regards to claim 29,

at line 2, "basal metabolism" should apparently read --a basal metabolism--,

at line 3, "the metabolism" should apparently read --a metabolism--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 6, 10, 15-24, 26, 28, 34-35 and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Morgan et al. (US Patent No. 6,850,798).

In regards to claim 1, Morgan et al. disclose(s) an animal health care system, comprising:

a.weight input unit 24;

an impedance measurement unit 36;

an inter-leg distance input unit 24; and

a health assessment data calculation unit 80, wherein

said weight input unit is capable of entering weight value of an animal,

said impedance measurement unit includes impedance measurement electrodes (38-52) each for contacting with a root of each leg of the animal and measures impedance between front and rear legs of the animal,

said inter-leg distance input unit is capable of entering the distance between the roots of front and rear legs of the animal, and

said health assessment data calculation unit is capable of calculating health assessment data based on the weight value of the animal, the impedance between front and rear legs of the animal, and the distance between the roots of front and rear legs of the animal (see figs. 1 & 6; column 2/lines 35-56; column 5/lines 23-31; column 6/lines 61-67; column 7/lines 21-39; column 8/lines 21-37; column 9/lines 7-19 & 48-58).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, it is noted that the claim limitations such as "a weight input unit," "an inter-leg distance input unit," "a health assessment data calculation unit" although apparently disclosed in the specifications as computer modules, when given a broad reasonable interpretation could be construed as a keyboard (input unit), and a computer or processor to perform the calculation (health assessment).

In regards to claim 3, Morgan et al. disclose(s) an animal health care system in which said impedance measurement electrode has a plurality of projected portions formed on the surface thereof for making sure to contact with the skin of the animal irrespective of presence of body wear (see fig. 4; column 4/lines 59-62).

In regards to claim 6, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculation unit is capable of calculating the health assessment data by taking into account of at least one of morphologic measurement data including body length, body height, girth of trunk, girth of chest or girth of waist of the animal (see column 9/lines 7-19 & 48-58; column 11/lines 39-43).

In regards to claim 10, Morgan et al. disclose(s) an animal health care system, comprising:

a weight input unit 24;

an estimated-weight calculation unit 80; and

a health assessment data calculation unit 80, wherein

said weight input unit 24 is capable of entering weight value of an animal,

said estimated-weight calculation unit is capable of calculating an estimated weight value based on at least girth of the trunk of the animal among the morphologic measurement data including at least one of girth of the trunk, body length and body height of the animal, and

said health assessment data calculation unit is capable of calculating health assessment data based on the difference between the weight value and the estimated weight value (see figs. 1 & 6; column 2/lines 35-56; column 5/lines 23-31; column 6/lines 61-67; column 7/lines 21-39; column 8/lines 21-37; column 9/lines 7-19 & 48-58; column 11/lines 39-43).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). As such, it is noted that the claim limitations such as "a weight input unit," "an estimated-weight calculation unit," "a health assessment data calculation unit" although apparently disclosed in the specifications as computer modules, when given a broad reasonable interpretation could be construed as a keyboard (input unit), and a computer to perform the calculation (estimated-weight and health assessment).

In regards to claim 15, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculated by the health assessment data calculation unit is body water mass of the animal (see column 10/lines 1-5).

In regards to claim 16, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculated by the health assessment data calculation unit is fat free mass of the animal (see column 10/lines 1-5).

In regards to claim 17, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculated by the health assessment data calculation unit is body fat mass of the animal (see column 10/lines 1-5).

In regards to claim 18, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculation unit includes a "BCS" (Body Condition Score) estimation unit for estimating "BCS" based on the health assessment data calculated (see column 9/lines 7-19).

In regards to claim 19, Morgan et al. disclose(s) an animal health care system in which said health assessment data calculation unit includes an adiposity judgment unit

for judging the degree of adiposity of the animal based on the health assessment data calculated (column 2/lines 35-56).

In regards to claim 20, Morgan et al. disclose(s) an animal health care system, comprising:

a fat free data input unit 24;

a body temperature related data input unit 24 (i.e. animal breed);

a body temperature correction factor derivation unit 80; and

a metabolism calculation unit 80,

wherein said fat free data input unit is capable of entering fat free data of a dog,

said body temperature related data input unit is capable of entering body temperature related data of the dog,

said body temperature correction factor derivation unit is capable of deriving body temperature correction factor based on said body temperature related data, and

said metabolism calculation unit is capable of calculating metabolism of the dog based on said fat free data and said body temperature correction factor (see figs. 1 & 6; column 2/lines 35-56; column 5/lines 23-31; column 6/lines 61-67; column 7/lines 21-39; column 8/lines 21-37; column 9/lines 7-19 & 48-58; column 11/lines 39-43).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, it is noted that the claim limitations such as "a fat free data input unit," "a body temperature related data input unit," "a body temperature correction factor derivation unit," and "a metabolism calculation unit"

although apparently disclosed in the specifications as computer modules, when given a broad reasonable interpretation could be construed as a keyboard (input unit), an animal type or breed (body temperature related data input as disclosed in the specification), and a computer to perform the derivation and calculation (correction factor and metabolism).

In regards to claim 21, Morgan et al. disclose(s) an animal health care system in which said fat free data is fat free mass (see column 10/lines 1-5).

In regards to claim 22, Morgan et al. disclose(s) an animal health care system in which said fat free data is capable of being derived from weight value and body fat data (see column 10/lines 1-5).

In regards to claim 23, Morgan et al. disclose(s) an animal health care system in which said body temperature related data is a kind of the dog (see column 9/lines 7-19 & 48-58; column 11/lines 39-43).

In regards to claim 24, Morgan et al. disclose(s) an animal health care system in which said body temperature related data is body build of the dog (see fig. 11).

In regards to claim 26, Morgan et al. disclose(s) an animal health care system in which said metabolism calculation unit includes a body hair data input unit 24 capable of entering body hair data of the dog, and of calculating the metabolism of the dog by taking into account of the body hair data entered thereby (see column 7/lines 21-39).

It is noted that the microprocessor 80 of Morgan et al. is fully capable of performing the intended use.

In regards to claim 28, Morgan et al. disclose(s) an animal health care system in which said metabolism calculation unit includes a thermal insulation effect factor derivation unit 80 capable of deriving thermal insulation effect factor based on the body fat rate of the dog when it is entered thereto, and capable of calculating the metabolism of the dog by taking into account of said thermal insulation effect factor (see column 7/lines 21-39).

It is noted that the microprocessor 80 of Morgan et al. is fully capable of performing the intended use.

In regards to claim 34, Morgan et al. disclose(s) an animal health care system in which said adiposity related data is weight value and body fat data of the dog (see fig. 16).

In regards to claim 35, Morgan et al. disclose(s) an animal health care system in which said body fat data is body fat mass or body fat rate calculated using at least one of impedance value of the dog, body condition score or morphologic measurement data (see column 2/lines 35-56; column 5/lines 23-31; column 6/lines 61-67; column 7/lines 21-39; column 9/lines 7-19 & 48-58; column 10/lines 1-5; column 11/lines 39-43).

In regards to claim 38, Morgan et al. disclose(s) a dog health care system in which said total energy consumption calculation unit includes an ambient temperature input unit 24 capable of entering ambient temperature, and of calculates total energy consumption by taking into account of the ambient temperature (see column 7/lines 21-39).

It is noted that the microprocessor 80 of Morgan et al. is fully capable of performing the intended use.

In regards to claim 39, Morgan et al. disclose(s) a dog health care system in which said ambient temperature is capable of being set in advance for every season or every month so that it is automatically entered (see column 7/lines 21-39).

It is noted that the microprocessor 80 of Morgan et al. is fully capable of performing the intended use.

5. Claims 20-22 and 26-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Mault (US Patent No. 6,478,736).

In regards to claim 20, Mault disclose(s) an animal health care system, comprising:

a fat free data input unit 56;

a body temperature related data input unit 56;

a body temperature correction factor derivation unit 52; and

a metabolism calculation unit 52, wherein

said fat free data input unit is capable of entering fat free data of a dog,

said body temperature related data input unit 56 is capable of entering body temperature related data of the dog,

said body temperature correction factor derivation unit is capable of deriving body temperature correction factor based on said body temperature related data, and

said metabolism calculation unit is capable of calculating metabolism of the dog based on said fat free data and said body temperature correction factor (see figs. 5-6, 13 & 15; column 6/lines 3-13 & 31-54; column 7/lines 3-41 & 40-43; column 8/lines 32-

35 & 50-57; column 9/lines 15-23 & 31-42; column 9/line 67 to column 10/line 10; column 11/lines 1-12 & 35-43; column 13/lines 16-20).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, it is noted that the claim limitations such as "a fat free data input unit," "a body temperature related data input unit," "a body temperature correction factor derivation unit," and "a metabolism calculation unit" although apparently disclosed in the specifications as computer modules, when given a broad reasonable interpretation could be construed as a keyboard (input unit), an animal type or breed (body temperature related data input as disclosed in the specification), and a computer to perform the derivation and calculation (correction factor and metabolism).

In regards to claim 21, Mault disclose(s) an animal health care system in which said fat free data is amount of muscle (see column 13/lines 15-20).

In regards to claim 22, Mault disclose(s) an animal health care system in which said fat free data is derived from weight value and body fat data (see column 13/lines 15-20).

In regards to claim 26, Mault disclose(s) an animal health care system in which said metabolism calculation unit includes a body hair data input unit 56 capable of entering body hair data of the dog, and of calculating the metabolism of the dog by taking into account of the body hair data entered thereby (see column 11/lines 1-12).

It is noted that body hair data as disclosed by applicant is related to body temperature. Moreover, the computing device 52 of Mault is fully capable of performing the intended use.

In regards to claim 27, Mault disclose(s) an animal health care system in which said metabolism calculation unit includes an age input unit 56 capable of entering the age of the dog, and of calculating the metabolism of the dog by taking into account of the age (see column 11/lines 35-43).

In regards to claim 28, Mault disclose(s) an animal health care system in which said metabolism calculation unit includes a thermal insulation effect factor derivation unit capable of deriving thermal insulation effect factor based on the body fat rate of the dog when it is entered thereto, and of calculating the metabolism of the dog by taking into account of said thermal insulation effect factor.

It is noted that thermal insulation effect factor as disclosed by applicant is related to body temperature. Moreover, the computing device 52 of Mault is fully capable of performing the intended use.

In regards to claim 29, Mault disclose(s) an animal health care system in which said metabolism calculation unit is capable of calculating at least one of the basal metabolism and the metabolism in rest condition (see column 6/lines 31-54).

In regards to claim 30, Mault disclose(s) an animal health care system in which said metabolism calculation unit includes an action data input unit 56 capable of entering action data of the dog and a total energy consumption calculation unit 52

capable of calculating total energy consumption of the dog based on the metabolism and the action data (see column 9/lines 31-42).

In regards to claim 31, Mault disclose(s) an animal health care system in which said action data is action indices each indicating ordinary action of the dog with a plurality of steps (i.e. using an accelerometer) (see column 9/lines 31-42).

In regards to claim 32, Mault disclose(s) an animal health care system in which said action data is exercise data measured by an exercise monitoring device including an accelerator (see column 9/lines 31-42).

In regards to claim 33, Mault disclose(s) an animal health care system in which said total energy consumption calculation unit includes an adiposity related data input unit for entering adiposity related data of the dog, a target weight reduction setting unit for setting target weight reduction, and a proper value calculation unit for calculating at least one of proper intake energy or proper consumption energy relative to said target weight reduction, based on said total energy consumption, said adiposity related data and said target weight reduction (see fig. 6).

In regards to claim 34, Mault disclose(s) an animal health care system in which said adiposity related data is weight value and body fat data of the dog (see fig. 6).

In regards to claim 35, Mault disclose(s) an animal health care system in which said body fat data is capable of being body fat mass or body fat rate calculated using at least one of impedance value of the dog (see fig. 15; column 9/line 67 to column 10/line 10).

In regards to claim 36, Mault disclose(s) an animal health care system in which said target weight reduction is a general standard value for adiposity that is automatically set as the target (see fig. 6).

In regards to claim 37, Mault disclose(s) an animal health care system in which said target weight reduction is capable of being set by a measurement person who manually enters the numerical value (i.e. keyboard 56) (see figs. 5-6).

In regards to claim 38, Mault disclose(s) a dog health care system in which said total energy consumption calculation unit includes an ambient temperature input unit 56 capable of entering ambient temperature, and of calculating total energy consumption by taking into account of the ambient temperature (see fig. 5).

It is noted that the computing device 52 of Mault is fully capable of performing the intended use.

In regards to claim 39, Mault disclose(s) a dog health care system in which said ambient temperature is capable of being set in advance for every season or every month so that it is automatically entered.

It is noted that the computing device 52 of Mault is fully capable of performing the intended use.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. ('798) in view of Petrucelli et al. (US Patent No. 6,292,690).

Morgan et al. discloses an animal health care system, as described above, that teaches all the limitations of the claim except Morgan et al. does not teach impedance measurement electrodes made out of electrically conductive resin. However, Petrucelli et al. disclose a heath care system comprising electrodes made out of electrically conductive resin (see column 7/lines 43-45). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a system similar to that of Morgan et al. with electrodes similar to those of Petrucelli et al. in order to obtain a health care measurement of the user.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. ('798) in view of Pearlman (US Patent No. 5,810,742).

In regards to claim 4, Morgan et al. discloses an animal health care system, as described above, that teaches all the limitations of the claim except Morgan et al. does not teach electrodes comprising a cushion material including a sponge. However, Pearlman discloses a health care system comprising electrodes including a cushion material comprising a sponge (see column 9/lines 63-67). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a system similar to that of Morgan et al. with a cushion material similar to that of Pearlman since the sponge can be impregnated with silver and serve a duel role as a sensing element (see column 9/lines 63-67).

In regards to claim 5, Morgan et al. discloses an animal health care system, as described above, that teaches all the limitations of the claim except Morgan et al. does not teach a constant pressure unit. However, Pearlman discloses a health care system comprising a constant pressure unit 24 (see column 7/lines 35-40). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a system similar to that of Morgan et al. with a constant pressure unit similar to that of Pearlman in order to provide better contact between the sensing elements and the user (see column 7/lines 35-40).

9. Claims 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. ('798) in view of Rosenberg et al. (US Patent No. 4,170,961).

Morgan et al. discloses an animal health care system, as described above, that teaches all the limitations of the claim except Morgan et al. does not teach a weight unit comprising a restriction unit. However, Rosenberg et al. disclose a weight input unit 28 that includes a restriction unit 2 a dog is restrained to the back by one or more leads 16 (see fig. 1); the restriction unit 2 has a height for receiving the animal, which can be adjusted according to the size of the animal (see fig. 1; column 3/lines 6-9) and a lift unit 4 (see fig. 1).

Since Morgan et al. teach setting the electrode mat 36 on a raised table (see column 10/lines 59-62) and Rosenberg et al. teach a veterinary examination table comprising a weight unit (see title), it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a health care system similar to that of Morgan et al. with a weight unit similar to that of Rosenberg et al. in

order to restrain the dog to the table during examination (see Rosenberg et al., column 3/lines 13-15). Moreover, it would have been obvious to one of ordinary skill in the art to provide a health care system similar to that of Morgan et al. with an adjustable restriction unit similar to that of Rosenberg et al. in order to accommodate the animal (see column 3/lines 16-19). Furthermore, since Morgan et al. teaches measuring an inter-leg distance (i.e. front legs to back legs) (see figs. 11-12), it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a system similar to that of Morgan et al. as modified by Rosenberg et al. with an integral measuring unit since such a modification amounts to a design choice. It has previously been held that making integral is not patentable--See in re Larson, 340 F. 2d 965, 967, 144 USPQ 347, 349 (CCPA 1965); In re Wolfe, 251 F.2d 854, 855, 116 USPQ 443, 444 (CCPA 1958).

10. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault ('736) in view of Morgan et al. ('798).

Mault discloses a health care system, as described above, that teaches all the limitations of the claim except Mault does not teach a body temperature related that is a kind or build of a dog. However, Morgan et al. discloses a health care system wherein the body temperature is a kind or build of a dog (see column 9/lines 7-19; column 11/lines 39-43). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a system similar to that of Mault with a temperature related data similar to that of Morgan et al. in order to properly estimate the impedance measurement of an animal species.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mault ('736) in view of Morgan et al. ('798) further in view of Kawanishi (US Patent No. 6,643,542).

Mault as modified by Morgan et al. discloses a health care system, as described above, that teaches all the limitations of the claim except Mault as modified by Morgan et al. does not teach a body build that is BMI. However, Kawanishi discloses a health care system wherein a body build condition health condition includes BMI (see column 2/lines 47-48). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a health care system similar to that of Mault as modified by Morgan et al. with a body condition similar to that of Kawanishi in order to measure indices relating to body health condition.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,720,296 to Cha discloses an apparatus and method for analyzing body composition.

US Patent No. 3,330,258 to Rosenberg discloses a veterinary table.

US Patent No. 1,404,173 to Barnard discloses a combined animal operating table and scale.

US Patent No. 6,472,617 to Montagnino discloses a body fat scale with hand grips.

US Patent No. 5,372,141 to Gallup et al. discloses a body composition analyzer.

US Patent No. 6,571,200 to Mault discloses a monitoring caloric expenditure resulting from body activity.

US Patent No. 6,865,410 to Kavet et al. discloses an apparatus for measuring current flow in an animal or human body.

US Patent No. 6,969,350 to Hawthorne et al. discloses a body fat measurement system.

US Patent No. 6,539,310 to Shimomura discloses a body type determination apparatus.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Towa whose telephone number is (571) 272-8758. The examiner can normally be reached on M-F, 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTT